

Consultation Response from: KC Environmental Health (Pollution & Noise Control)		
2025/91961 adj 315 Wakefield Road, Lepton, Huddersfield, HD8 0LX		
Demolition of existing buildings and erection of detached dwelling and associated works		
Responding Date: 13 th August 2025	Responding Officer: SR	Responding Ref: WK202524247
<u>Comments</u> Environmental Health have been consulted regarding the following reports:- • Coal Mining Risk Assessment by Erda associates ltd, ref: EAL.83.25, dated June 2025 • Phase I Geo-Environmental Assessment by Erda associates ltd, ref: EAL.83.25, dated June 2025 We have reviewed the application and submitted reports and make the following comments and recommendations. <u>Contaminated Land</u> The site of the application is not shown on our mapping as being on potentially contaminate land, it is however located in a Coal Authority High Risk Area, Environmental Health do not consider geotechnical risk and where shallow coal is a factor we consider the risk from possible mine gas and combustibility. The Coal Mining Risk Assessment (CMRA) by Erda associates ltd, ref: EAL.83.25, dated June 2025 informs <i>"However, shallow underground mine workings may be potentially present beneath the site. As such the risk of mine gas emissions is considered to be low, at this stage."</i> We do not agree with this statement, worked shallow coal beneath or near the site of interest does pose a potential risk from gas and this must be investigated. It is not appropriate to suggest a gas membrane without appropriate investigation in line with good practice guidance. The report goes on to advise that due to potential shallow coal a combustion risk is possible and further investigation is necessary. It is unclear in the Phase 1 report, if a site walkover has been conducted, a site history since 1893 is provided indicating a potentially infilled pond to the immediate west of the site and the onsite barns/usage of barns as potential sources of contamination. Whilst we acknowledge the report we disagree with the low risk attributed in the conceptual site model (CSM); indeed, the report contradicts itself by going on to recommend intrusive investigation where a low risk has been given. The Phase 1 report has not fully considered the risk from possible worked shallow coal, and whilst a CMRA has been submitted, the report should be summarised and referenced within the CSM. We have concerns that a gas membrane has been recommended as a precaution without the appropriate site intrusive investigation including intrusive ground gas and ground water monitoring. It is only when this information has been obtained and analysed that consideration as to the safe development and any appropriate level of protection can be presented. We expect to see a revised Phase 1, any subsequent monitoring and analysis to be presented in a Phase 2 report, with an updated conceptual site model. Any monitoring or analysis undertaken must be designed and undertaken in accordance with good practice guidance.		

We do not raise an objection to the development but recommend conditions in relation to contaminated land.

Noise

The proposed new domestic dwelling is situated close to a busy A road and neighbours a busy commercial premises, the loss of amenity from noise must be assessed and a condition is recommended.

Recommended Conditions

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

CLC3 Submission of Remediation Strategy - Condition

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

CLC4 Implementation of the Remediation Strategy - Condition

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in

writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

CLC5 Submission of Verification Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

CLC7 Contaminated land - Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and noise generated by the neighbouring commercial premises shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.